



**U.S. Department of Justice**

*Michael J. Sullivan  
United States Attorney  
District of Massachusetts*

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Main Reception: (617) 748-3100

John Joseph Moakley United States Courthouse  
1 Courthouse Way  
Suite 9200  
Boston, Massachusetts 02210

July 16, 2004

**BY FAX AND REGULAR MAIL**

Paul V. Kelly, Esq.  
Kelly, Libby & Hoopes  
175 Federal Street  
Boston, MA 02110

Re: U.S. v. Joseph DiFlumera, Crim No. 04-40002 (NMG)

Dear Mr. Kelly:

Paragraph 3(e) of the plea agreement requires that if the defendant intends to file a downward departure motion, he notify the Court and government of the grounds for departure and provide to the government all documents upon which he will rely in support of such departure no less than thirty (30) days prior to the date set by the court for the sentencing hearing. As you know, the Court set a date for the change of plea and sentencing hearing back in January 2004. To date, we have received only a letter from a physician relating to the defendant's alleged medical condition and report of an expert with respect to the defendant's alleged gambling addiction. We have not received any other documents including, most importantly, a motion for downward departure. Accordingly, we assume the defendant does not intend to file any such motions and certainly will oppose the

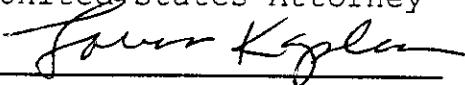
January 5, 2004  
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filing of any such motions at this late date.

Very truly yours,

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
Laura J. Kaplan

Assistant U.S. Attorney

cc: The Honorable Nathaniel M. Gorton